REMARKS:

Claim 14-28 are currently pending, among which claim 14 is an independent claim.

Examiner Burch is thanked for the courtesy of a telephone interview extended to Applicants on September 24, 2007.

Claim Rejection under 35 USC 102

Claims 14-16, 18, 21, 22, 25, 26 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Demoise, Jr. et al. (U.S. Patent No. 6,478,122). Claims 17, 19, 20, 23, 24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Demoise in view of Giacomazza (U.S. Patent No. 6,223,866). Applicants respectfully submit the pending claims should be patentable over Demoise and Giacomazza. More specifically, Applicants would like to call the Examiner's attention to the claim limitation in claim 14 of "a return spring that has a base end attached to one of the brake pads and a distal end configured to press the supporting member so as to urge, by reaction, the one of the brake pads **away from the disc rotor**."

In Fig. 3 of Demoise, a backing plate 24 has a brake pad which faces a brake rotor. Thus, the backing plate 24 faces a face of the rotor in parallel. The ear 40 of the backing plate 24 is received in the groove 30 of an anchor 12. The ear 40 is made smaller than the groove 30 in order to accommodate the heat expansion of the ear 40. To immobilize the ear 40 within the groove 30, the section 60 (or 62) of a slipper spring 60 is placed in the groove 30.

Demoise states, "When the ears 40 and 42 are located in grooves 30 and 32, arm 76 on slipper 60 engages the apex 46 and arm 76' on slipper 60' engages apex 48 to position the backing plate 24 in groove 30 and 32..." (col. 30, lines 44-47), and "When the pressurize fluid supplied to the actuation chamber ceases, the force created by the action of resilient arms 76, 76' of the slipper springs 60, 60' acts through apex's 46 and 48 to return the backing plate 24 to a centered position between grooves 30 and 32.." (col. 4, lines 16-21). Thus, slipper springs 60 and 60' function to stabilize the backing plate 24 within the grooves 30 and 32. They do not urge the backing plate 24 **away from the brake rotor**.

Following is a reproduction of Figure 1 of Demoise:

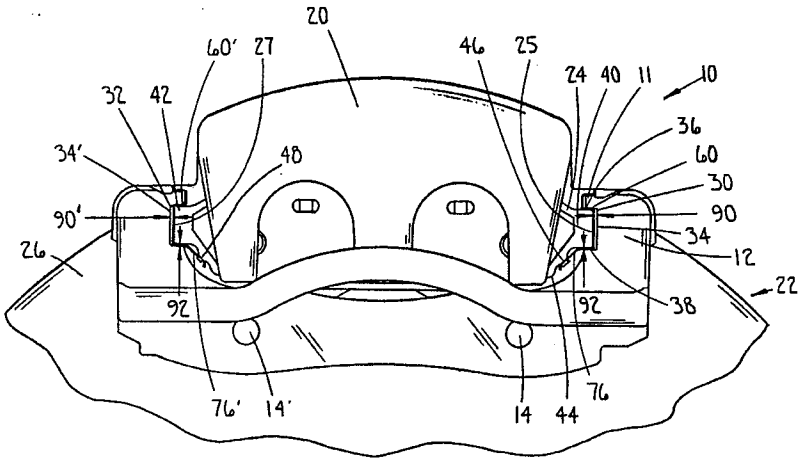


FIGURE 1

In the above figure, the backing plate 24 faces a face 26 of the rotor 22. Applicants would like the Examiner to note the geometrical relationship between the backing plate 24 and the rotor 22. The backing plate 24 being small relative to the rotor 22 is juxtaposed with the face of the rotor. By the operation of the slipper springs 60 and 60', the backing plate 24 may move in parallel to the face 26 of the rotor 22 within the clearance between the ear 40 and the groove 30. However, given the geometrical relationship between the backing plate 24 and the rotor, this tinny movement cannot be characterized as moving away from the rotor. Therefore, Demoise fails to disclose or teach the limitation of "a return spring that has a base end attached to one of the brake pads and a distal end configured to press the supporting member so as to urge, by reaction, the one of the brake pads away from the disc rotor."

As explained above, Demoise fails to disclose or teach the limitation of claim 14, it cannot anticipate claim 14. Since Demoise cannot anticipate claim 14, it cannot anticipate claims 15, 16, 18, 21, 22, 25, 26 and 28 as they are dependent from claim 14.

Giacomazza discloses springs 102 and 104 similar to the slipper springs 60 and 60' of Demoise. The same reasoning is applicable to overcome Giacomazza. Since neither Demoise nor Giacomazza discloses or teaches the limitation of "a return spring that has a base end attached to one of the brake pads and a distal end configured to press the supporting member so

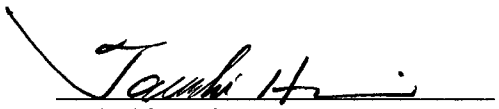
as to urge, by reaction, the one of the brake pads away from the disc rotor", claims 15, 16, 18, 21, 22, 25, 26 and 28 should not be obvious over them.

For the reasons set forth above, Demoise and Giacomazza, either alone or in combination, fail to teach the invention recited in claims 14-28. Thus, these claims should be allowable over Demoise and Giacomazza.

Applicants concurrently submit an Information Disclosure Statement to disclose U.S. Patent No. 6,920,965 (Burgdorf et al.). As shown in Fig. 2, Burgdorf discloses a spring 8 which extends between a brake pad 5 and a brake housing 3. Please note that in Burgdorf, a brake holder 2 is mounted on the vehicle, and the brake housing 3 is **slidably** mounted on the brake holder 2. (col. 2, lines 65-67). During a brake application, a brake pad 5 is applied by the actuating device 4 directly and a brake pad 6 is pressed due to an axial shift of the brake housing 3 indirectly against the brake disc. (col. 3, lines 6-9). Thus, the brake housing to which the spring 8 is attached is not stationary but movable relative to the vehicle.

In the present application, however, the return spring recited in claim 1 extends between the supporting member and a brake pad. As recited in claim 1, the supporting member is fixable to the vehicle. In Burgdorf, the brake housing 3 cannot be fixed to the vehicle. If it was fixed to the vehicle, the brake would not work. Therefore, Burgdorf fails to disclose the present invention.

Respectfully submitted,



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